

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard Kabzinski, et al.

Confirmation No.: 5546

Application No.: 10/551,674

Group Art Unit: Not yet assigned

Filed: September 28, 2005

Examiner: Not yet assigned

Title: SECURITY SYSTEM AND METHOD FOR
COMPUTER OPERATING SYSTEMS

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT APPLICATION UNDER 37 C.F.R. §1.47(a)

Sir:

Applicants and Secure Systems Ltd., which is assignee hereunder, hereby petition the Commissioner to accept this application on behalf of fewer than all the named inventors, under 35 U.S.C. §116, second paragraph, and 37 C.F.R. §1.47(a).

1. **Fees.** The fee of \$130.00 as required by 37 C.F.R. §§ 1.47(a), 1.17(h) is enclosed.
2. **Last Known Addresses.** In compliance with 37 C.F.R. §1.47(a) and MPEP 409.03(a)(C), the last known address of the non-signing inventor is: Mr. Russell Powers, 67 Leicester Square, Alexander Heights, West Australia (WA) 6064, Australia.
3. **Pertinent Facts.** I, the undersigned, am an attorney of record in this application and attorney-in-fact for Secure Systems Ltd., a company of Australia identified by CAN 092 978 197 and having an address of Level 1, 80 Hasler Road, Osborne Park WA 6017 Australia. I make the following declaration of pertinent facts in support of this petition.

All the available inventors in this application have made declaration on their own behalf as required by 37 C.F.R. §1.63. All the available inventors have made declaration on behalf of the non-signing joint inventors as required by 37 C.F.R. §1.64, by providing a declaration that is signed by all the available joint inventors with the signature block of the non-signing inventor

left blank. See MPEP 409.03(a)(A). Upon information and belief, one named inventor in this application, Mr. Russell Powers, is unavailable, or cannot be found or reached after diligent effort, or refuses to sign the application declaration.

This application or petition is accompanied by the following proof that the non-signing inventors cannot be found or reached after diligent effort or refuse to execute the application papers. See MPEP 409.03(a)(B).

Secure Systems Ltd. filed this application on September 28, 2005. All the named inventors are employees of Secure Systems Ltd. or have been in the past. Steven J. Starkie is a principal of the law firm of Griffith Hack of Perth, West Australia, and also represents Secure Systems Ltd.

Upon information and belief, by letter dated May 23, 2006 and sent by Toll Priority (a courier service of Toll Transport Pty Ltd of Australia), restricted delivery, signature of receipt requested, Mr. Starkie provided Mr. Powers with a complete copy of the application as filed, including drawing figures, and an inventor's Declaration and Assignment, and requested Mr. Powers to sign the Declaration and return it to him. A copy of that letter is attached at Tab 1. Mr. Powers has not replied to that letter.

Upon information and belief, Toll Priority returned to Mr. Starkie a receipt stating that the carrier delivered the package to the specified address on "27/5/06" (May 27, 2006). A copy of the proof of delivery is attached at Tab 2. As of the date of this petition, Mr. Powers has not returned a signed Declaration.

I respectfully submit that the evidence herein including the letter of Steven Starkie to the non-signing inventor satisfies the requirements of MPEP 409.03(d) pertaining to inventors who refuse to join an application.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting

therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

The Applicants and Secure Systems, Ltd., respectfully request the Commissioner to grant this petition. Applicants and Secure Systems, Ltd., believe that all required fees are submitted herewith. However, throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to our deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER

Dated: September 27, 2006



Christopher J. Palermo
Reg. No. 42,056

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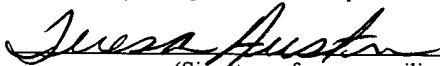
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Mail Stop Missing Parts, Commissioner for Patents, Washington, D. C. 20231 on
September 27, 2006

(Date of Deposit)

Teresa Austin

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

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Mr Russell Powers
67 Leicester Square
ALEXANDER HEIGHTS WA 6064

BY COURIER

23 May 2006

Dear Mr Powers

**United States Of America Patent Application No. 10/551,674
in the name of SECURE SYSTEMS LIMITED
entitled SECURITY SYSTEM AND METHOD FOR COMPUTER
OPERATING SYSTEMS
Our Ref: SJS:JN:FP22509**

Secure Systems Limited has filed the above-noted patent application. It is based in part on your work under contract with the company, and therefore you were named as an inventor. A complete copy of the application as filed is enclosed.

We believe that your contractual obligations require you to assign invention rights to Secure Systems Limited. Therefore, we also enclose an Assignment of ownership rights to the company, and an inventor's Declaration. Please sign, date and return the Assignment and Declaration to us. No notarization or other special processing is required. A prepaid return courier envelope is enclosed. Alternatively, you may make an image scan of the signed papers and email them to me.

If you have any questions, please contact me at steven.starkie@griffithhack.com.au or telephone number 9 221 3779.

Yours sincerely

Steven J Starkie
Principal
steven.starkie@griffithhack.com.au

*Enc: copy of application as filed
Assignment form
Declaration form*

		CUSTOMER ACCOUNT NUMBER <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; align-items: center; justify-content: center;"> 0000000000 </div>	
FROM GRIFFITH HACK			
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CONTACT DETAILS		08 9221 3779	
TO		DESCRIPTION OF GOODS	
MR Russell Powers		DOCUMENTS	
67 Leicester Sq			
ALEXANDER HEIGHTS 606-4		FOR PICKUP 13 15 31 www.toll.com.au	
CONTACT DETAILS		← CONTACT DETAILS (NAME AND PHONE NUMBER) MUST BE COMPLETED	
		DATE 27/5/06 TIME 442	
RUN 16		DRIVER'S SIGNATURE	
CUSTOMER REF/ ORDER No.			
M20 0025F16HJX 2  M20 0025F16HJX 2 CONSIGNMENT NOTE NUMBER		THIS CONSIGNMENT IS A PREPAID SERVICE NO LIABILITY NO REFUND I HEREBY DECLARE THAT THIS ITEM DOES NOT CONTAIN ANY UNAUTHORISED EXPLOSIVE OR INCENDIARY DEVICES. I AM ALSO AWARE THAT THIS ITEM WILL BE SUBJECT TO SECURITY SCREENING AND CLEARING. WE ARE NOT COMMON CARRIERS. I AGREE TO THE CONDITIONS ON THE BACK AND DECLARE THESE GOODS ARE NOT DANGEROUS GOODS.  23/5/06 <small>Toll Transport Pty Ltd ABN 31 006 604 191</small>	

C U S T O M E R S C O P Y

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